

March 14, 2002

ENERGY & ENVIRONMENT
COMMITTEE
REPORT #3

ALL MEMBERS PRESENT EXCEPT LEGISLATOR DUSZA.

1. **RESOLVED**, that the following items are hereby received and filed.

a. Item Page -2001 (Comm. 12E-20)
COUNTY EXECUTIVE: OPEN ITEM: DPW – General Energy Related Issues.
(4-0) Legislator Dusza absent.

b. Item Page -2001 (Comm. 21E-25)
COUNTY EXECUTIVE: ECSD No. 5 – Fee Taking City of Lackawanna.
(4-0) Legislator Dusza absent.

c. Item Page -2002 (Comm. 4D-6)
DEP: SEQR – Negative Declaration – Notice of Determination of Non-Significance – Southtowns Sewage Treatment Plant, S3690 Lake Shore Road, Hamburg.
(4-0) Legislator Dusza absent.

d. Item Page -2002 (Comm. 4D-7)
ECWA: Copy of Unaudited Comparative Financial Statements for Years Ending 12/31/01 & 12/31/00.
(4-0) Legislator Dusza absent.

e. Item Page -2002 (Comm. 4D-9)
DEP: SEQR – Solicitation for Lead Agency Status – Type I Action – City of Buffalo, City of Lackawanna & Town of Hamburg.
(4-0) Legislator Dusza absent.

f. Item Page -2002 (Comm. 4E-36)
COUNTY EXECUTIVE: ECSD Nos. 1, ,4 & 5 – Northern Region Administration Building Contract “D” – Electrical Close-Out – Industrial Power & Lighting.
(4-0) Legislator Dusza absent.

g. Item Page -2002 (Comm. 4E-40)
COUNTY EXECUTIVE: ECSDs – Semi-Annual Attendance Records – Board of Managers.
(4-0) Legislator Dusza absent.

h. Item Page -2002 (Comm. 4E-41)
COUNTY EXECUTIVE: EC Sewer Construction Projects – Annual Change Order Report.
(4-0) Legislator Dusza absent.

- Item Page -2002 (Comm. 4E-46)
i. **COUNTY EXECUTIVE:** ECSD No. 2 – 18 Mile Creek & Sweetland Road Pumping Station Modifications – Contract No. 37EV“A” General Change Order No. A-1 – Paul Gallo Contract.
(4-0) Legislator Dusza absent.
- Item Page -2002 (Comm. 5E-9)
j. **DeBENEDETTI:** Letter to Legislator Greenan Re: Attached Letter from Robert Lichtenthal Concerning His Candidacy for ECWA’s Board of Commissioners.
(4-0) Legislator Dusza absent.
- Item Page -2002 (Comm. 5E-10)
k. **GREENAN:** Letter to Robert Lichtenthal Re: Notice of Energy & Environment Meeting for Purpose of Interview for ECWA’s Board of Commissioners.
(4-0) Legislator Dusza absent.
- Item Page -2002 (Comm. 5E-29)
l. **COUNTY EXECUTIVE:** ECSD No. 2 – Paul Gallo Contracting – Contract No. 37EV “A” – Dispensation of Hours.
(4-0) Legislator Dusza absent.
- Item Page -2002 (Comm. 5E-31)
m. **COUNTY EXECUTIVE:** ECSD No. 2. – 18 Mile Creek & Sweetland Road Pumping Station Modifications – Contract No. 37EV “A” – General Change Order No. A-2 Paul Gallo.
(4-0) Legislator Dusza absent.
- Item Page -2002 (Comm. 5E-34)
n. **COUNTY EXECUTIVE:** ECSD No. 2 – Contract No. 44EV – Town of Evans – Change Order No. 1.
(4-0) Legislator Dusza absent.
- Item Page -2002 (Comm. 5M-8)
o. **NY POWER AUTHORITY:** Copy of Memo Re: Niagara Power Project – Request to Utilize Alternative Licensing Procedures.
(4-0) Legislator Dusza absent.
- Item Page -2002 (Comm. 5M-20)
p. **ROBERT LICHTENTHAL:** Letter to Chairman DeBenedetti Re: Candidacy for ECWA Commissioner.
(4-0) Legislator Dusza absent.
- Item Page -2002 (Comm. 6D-1)
q. **DEP:** SEQR – Negative Declaration – Notice of Determination of Non-Significance.
(4-0) Legislator Dusza absent.

- Item Page -2002 (Comm. 6E-17)
 r. **COUNTY EXECUTIVE:** ECSD No. 2 – 18 Mile Creek & Sweetland Road
 Pumping Station Modifications – Contract No. 37EV “B” Electrical Change
 Order No. B-2 – Tunney Elect.
 (4-0) Legislator Dusza absent.

- Item Page -2002 (Comm. 6E-18)
 s. **COUNTY EXECUTIVE:** ECSD No. 2 – Increase & Improvement of Facilities
 (2001) – EC Sewer Agency Report.
 (4-0) Legislator Dusza absent.

2. Item Page -2001 **AS AMENDED**
 (Comm. 21E-21)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning has
 received the following low bid for Farmington Woods/Hidden Oaks Pump Station
 Elimination Project, Contract No. 12L, on March 5, 2002,

<u>Contract No.</u>	<u>Low Bidder</u>	<u>Amount Bid</u>
Contract No. 12L	Milherst Construction, Inc. 2601 Millersport Highway Getzville, New York 14068	\$522,644.00

and

WHEREAS, the aforementioned bidder has been recognized as successfully
 performing similar work in Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the Farmington Woods/Hidden Oaks Pump station Elimination
 Project, Contract No. 12L, be awarded to the low bidder as follows:

<u>Contract No.</u>	<u>Low Bidder</u>	<u>Amount Bid</u>
Contract No. 12L	Milherst Construction, Inc. 2601 Millersport Highway Getzville, New York 14068	\$522,644.00

and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute
 the Contract with the aforementioned low bidder subject to approval as to form by the
 County Attorney and certification of availability of funds from the Project Fund Balance

or an authorized advance from the General Fund by the Comptroller's Office; and be it further

RESOLVED, that the Comptroller is authorized and directed to allocate \$522,644.00 from Sewer Capital, Erie County Sewer district No. 5, Fund No. 430, Project No. 798, and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Charles J. Alessi, P.E., Department of Environment and planning, and one certified copy to James Liddle, Erie County Comptroller's Office and to Gregory Dudek, Assistant County Attorney.

(4-0) Legislator Dusza absent.

3. Item Page -2002 (Comm. 4E-39)

COUNTY EXECUTIVE

WHEREAS, household hazardous waste is being generated by residents in Erie County, and

WHEREAS, improper disposal of household hazardous waste has the potential of contaminating air, land, and waters of Erie County, and

WHEREAS, continued storage of hazardous household products in the home constitutes a danger to the occupants and the community, and

WHEREAS, Erie County has successfully conducted a model Household Hazardous Waste Collection Program since 1988, servicing over 24,000 residents within Erie County, and

WHEREAS, the Erie County Program is dependent upon the cooperation and financial and other support of local sponsoring municipalities, and

WHEREAS, the City of Buffalo, Town of Amherst, and the NorthEast SouthTowns (NEST) Solid Waste Board have all indicated an interest and willingness to support a household hazardous waste collection in their respective jurisdictions,

NOW, THEREFORE BE IT

RESOLVED, that the Department of Environment and Planning be authorized to schedule and conduct a household hazardous waste collection event on Saturdays, from 9:00 AM to 2:00 PM, in cooperation with each of the above mentioned jurisdictions, and be it further

RESOLVED, that the tentatively identified location and date for each event is as follows:

<u>Municipalities</u>	<u>Location</u>	<u>Date</u>
Amherst	ECC North Campus	May 18, 2002
Orchard Park	ECC South Campus	June 22, 2002
Erie County	To Be Determined	July 20, 2002
Buffalo	To Be Determined	September 7, 2002

and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to Laurence K. Rubin, Commissioner of Environment and Planning; Michael Raab, Deputy Commissioner of Environment and Planning; and the County Comptroller.

(4-0) Legislator Dusza absent.

4. Item Page -2002 (Comm. 4E-42)

COUNTY EXECUTIVE

WHEREAS, the County recognizes the need to properly train its employees to protect their health and well being, and to comply with applicable state and federal regulations, and

WHEREAS, Erie County's Division of Sewerage Management has applied for funds from the Western New York Council On Occupational Safety & Health through a New York State Department of Labor Hazard Abatement Board training grant.

NOW, THEREFORE, BE IT

RESOLVED, that the proposed agreement between the County of Erie and the Western New York Council on Occupational Safety & Health to provide health and safety training to the Division of Sewerage Management and Sewer District employees is hereby approved, and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute said agreement subject to approval as to form by the County Attorney and as to content by the Commissioner of Environment & Planning, and be it further

RESOLVED, that the Clerk of the Legislature be authorized and directed to send two certified copies of this resolution to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning, and one certified copy each to Joseph Passafiume, Director of Budget and Management, Nancy Naples, Erie County Comptroller, and Gregory Dudek, Assistant County Attorney.

(4-0) Legislator Dusza absent.

5. Item Page -2002 (Comm. 5E-28)

COUNTY EXECUTIVE

WHEREAS, Capital Project 430 511, ECSD No. 3 Armor-McKinley Extension will be closed out in 2002; and

WHEREAS, there is a cash balance of \$67,625.45 as of November 30, 2001; and

WHEREAS, there is a debt service balance remaining for this project; and

WHEREAS, the use of said cash will have no impact on the approved 2002 Budget.

NOW, THEREFORE, BE IT

RESOLVED, that the cash balance of \$67,625.45 and any additional accrued interest be transferred into Erie County Sewer District No. 3's Debt Service Fund to be applied to any outstanding indebtedness; and be it further

RESOLVED, that the Clerk of the Legislature be authorized and directed to send certified copies of this resolution to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning, Nancy Naples, Erie County Comptroller, Joseph Passafiume, Director, Budget and Management, and Gregory Dudek, Assistant County Attorney.

(4-0) Legislator Dusza absent.

6. Item Page -2002 (Comm. 5E-33)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature had awarded Contract 11L to Cimato Bros. Construction, Inc. for the Erie County Sewer District No. 5 Swormsville Pumping Station Elimination Project; and

WHEREAS, the Erie County Division of Sewerage Management has advised the Legislature that all scheduled improvements are now completed; and

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract 11L in the final contract amount of \$110,873.00 which includes Change Order No. 1 (final) a decrease of <\$29,414.00>, and approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract 11L between the County of Erie and Cimato Bros. Construction, Inc., 9220 Transit Road, East Amherst, New York, 14051 is accepted in the amount of \$110,873.00, which includes Change Order No. 1 (final) a decrease of <\$29,414.00>, and final payment is approved; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract 11L between the County of Erie and Cimato Bros. Construction, Inc in the amount of \$110,873.00 and make final payment from Sewer Capital Account SD

No. 5, Fund No. 430, Project No. 798 and return the unused balance of \$29,414.00 to the unallocated account; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Charles J. Alessi, P.E., Department of Environment and Planning, and one certified copy to the Director of Budget and Management, Erie County Comptroller's Office and Gregory Dudek, Assistant County Attorney.

(4-0) Legislator Dusza absent.

7. Item Page -2002 (Comm. 5E-35)

COUNTY EXECUTIVE

WHEREAS, Capital Project 430 502, Increase Maximum (1974 -1984) will be closed out in 2002; and

WHEREAS, there is a cash balance of \$173,198.78 as of November 30, 2001; and

WHEREAS, there is a debt service balance remaining for this project; and

WHEREAS, the use of said cash will have no impact on the approved 2002 Budget.

NOW, THEREFORE, BE IT

RESOLVED, that the cash balance of \$173,198.78 and any additional accrued interest be transferred to the Debt Service Fund to satisfy the remaining outstanding debt; and be it further

RESOLVED, that the Clerk of the Legislature be authorized and directed to send certified copies of this resolution to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning, Nancy Naples, Erie County comptroller, Joseph Passafiume, Director, Budget and Management, and Gregory Dudek, Assistant County Attorney.

(4-0) Legislator Dusza absent.

8. Item Page -2002 (Comm. 5E-37)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning administers a Housing Rehabilitation Program for low/moderate income homeowners on behalf of the Erie County Community Development Block Grant Consortium and HOME Investment Partnership Consortium; and

WHEREAS, the federal Department of Housing and Urban Development has issued regulations pertaining to lead based paint hazards in housing units assisted with federal funds; and

WHEREAS, said regulations were effective January 18, 2002 and require a variety of lead based paint hazard assessments and clearance tests by federally certified inspectors on all housing units participating in the Erie County Housing Rehabilitation Program; and

WHEREAS, the County Executive entered into a lead based paint hazard inspection agreement for an amount not to exceed \$140,000, with Stohl Environmental, LLC., having a termination date of March 31, 2002; and

WHEREAS, due to various federal extensions in implementing the lead paint regulations the services of Stohl Environmental have yet to be utilized;

NOW, THEREFORE BE IT

RESOLVED, that an amendment to the December 18,2000 agreement with Stohl Environmental, LLC is hereby approved extending the contract period from March 31, 2002 to March 31, 2004; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Commissioner of Environment and Planning and the County Comptroller.
(4-0) Legislator Dusza absent.

9. Item Page -2002 (Comm. 5E-47)

COUNTY EXECUTIVE

WHEREAS, Jim Ball Pontiac, GMC and Buick, 3475 Southwestern Boulevard, Orchard Park, New York 14127 (Jim Ball Pontiac, GMC and Buick) desires to place an exclusive advertisement on the County of Erie's golf courses' scorecards; and

WHEREAS, in consideration for such advertising rights, Jim Ball Pontiac, GMC and Buick has offered to have such scorecards printed at their own cost and expense and then gift such scorecards to the Erie County Department of Parks, Recreation and Forestry; and

WHEREAS, Jim Ball Pontiac, GMC and Buick desires to continue to have the golf scorecards printed and donated to the Department of Parks, Recreation and Forestry for three consecutive years; and

WHEREAS, pursuant to County law, any gifts to the County must be approved and accepted by the Erie County Legislature.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to accept, on behalf of the County and its Department of Parks, Recreation and Forestry, from Jim Ball Pontiac, GMC and Buick a gift of preprinted golf scorecards for use in the County's golf courses, advertising said business; and be it further

RESOLVED, that the acceptance of such gift be conditioned on the approval by the Commissioner of Parks of such golf scorecards, as to quantity, size, design, and colors of such scorecards; and be it further

RESOLVED, that this authorization to accept said scorecards, as described, as a gift to the County from Jim Ball Pontiac, GMC & Buick shall be in effect through and including the 2004 golf season; and be it further

RESOLVED, that copies of this resolution be sent to Joel A. Giambra, Erie County Executive, Joseph Passafiume, Director of Budget, Management and Finance, Lawrence D. Jasinski, Commissioner of Parks, Recreation and Forestry, Nancy A. Naples, Erie County Comptroller, and Gregory J. Dudek, Assistant County Attorney. (4-0) Legislator Dusza absent.

10. Item Page -2002 (Comm. 6E-9)

COUNTY EXECUTIVE

WHEREAS, Erie County is interested in assisting in the effort by the City of Tonawanda to upgrade its water system for the purpose of merging with the Erie County Water Authority (ECWA) and establishing an improved fire emergency response within the City of Tonawanda in Erie County; and

WHEREAS, Erie County desires to encourage efforts to sustain and improve neighborhoods and communities within the County; and

WHEREAS, the City of Tonawanda has an older independent water system in need of upgrades to meet established standards for improved water service and fire protection; and

WHEREAS, the City of Tonawanda desires to upgrade its water system in order to merge with the ECW A; and

WHEREAS, Erie County desires to work with the City of Tonawanda to implement this process.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into contracts not to exceed two hundred thousand dollars (\$200,000) with the City of Tonawanda, and be it further

RESOLVED, that the source of the funds will be \$200,000 available in the Regionalism/Economic Development (DAC 110 904 303 830, Subaccount 1299), which will be transferred to a new subaccount under Agency Payments monitored by the Department of Environment and Planning, General Fund 110, Project 922, Department 302, Account 830, and be it further

RESOLVED, that certified copies of this resolution be sent to the Director of Budget, Management and Finance; the Comptroller; the Commissioner of the Department of Environment and Planning; and the County Attorney.

(4-0) Legislator Dusza absent.

11. Item Page -2002 (Comm. 6E-9)

COUNTY EXECUTIVE

WHEREAS, Erie County is interested in assisting in the effort by the City of Tonawanda to upgrade its water system for the purpose of merging with the Erie County Water Authority (ECWA) and establishing an improved fire emergency response within the City of Tonawanda in Erie County; and

WHEREAS, Erie County desires to encourage efforts to sustain and improve neighborhoods and communities within the County; and

WHEREAS, the City of Tonawanda has an older independent water system in need of upgrades to meet established standards for improved water service and fire protection; and

WHEREAS, the City of Tonawanda desires to upgrade its water system in order to merge with the ECW A; and

WHEREAS, Erie County desires to work with the City of Tonawanda to implement this process.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into contracts not to exceed two hundred thousand dollars (\$200,000) with the City of Tonawanda, and be it further

RESOLVED, that the source of the funds will be \$200,000 available in the Regionalism/Economic Development (DAC 110 904 303 830, Subaccount 1299), which will be transferred to a new subaccount under Agency Payments monitored by the Department of Environment and Planning, General Fund 110, Project 922, Department 302, Account 830, and be it further

RESOLVED, that certified copies of this resolution be sent to the Director of Budget, Management and Finance; the Comptroller; the Commissioner of the Department of Environment and Planning; and the County Attorney.

(4-0) Legislator Dusza absent.

12. Item Page -2002 (Comm. 6E-11)

COUNTY EXECUTIVE

WHEREAS, Erie County, through the Department of Environment and Planning (DEP), receives funding from various Federal and State grants; and

WHEREAS, Erie County, through the DEP, has funds available within their existing budget; and

WHEREAS, the DEP, to maximize the amount of work to be done on the below mentioned grants and County programs, has incorporated the use of student interns (college students) into work plans and grant budgets for these programs; and

WHEREAS, the use of student interns is not only an effective management tool employed by the DEP, but also provides area college students the valuable opportunity to obtain work experience related to their future career objectives; and

WHEREAS, the DEP has collected a number of resumes and inquiries for internships and summer employment from local college students; and

WHEREAS, these resumes and inquiries will be evaluated to select a suitable candidate for each of the internship opportunities available; and

WHEREAS, the DEP and the Department of Personnel have agreed upon an hourly rate to compensate student interns which is consistent with overall County employment practices; and

WHEREAS, it is necessary for the DEP to enter into an Agreement for Personal Services for each of the student interns; and

WHEREAS, the DEP will request final confirmation of qualifications from the Department of Personnel for all selected candidates before entering into an Agreement.

NOW, THEREFORE BE IT

RESOLVED, that the County Executive is authorized to enter into the necessary agreements to secure student interns in the year 2002 for grant and County funded Department of Environment and Planning programs, and be it further

RESOLVED, that these Agreements for Personal Services will not exceed \$4,000 each and will be funded through the following grant budgets:

- Solid Waste Reduction Grant (SFG-394)
- Solid Waste Management Assistance Grant (SFG-362)
- Urban Air Toxics Prevention Grant (SFG-570)
- PBT Reduction through Environmentally Preferable Purchasing (SFG-728)
- Seneca Bluffs Wetland Restoration Project (SFG-578)

- Cazenovia Creek Habitat Restoration and Stewardship Project (SFG-361)
- State Indoor Radon Grant/SIRG 10 (SFG-563)
- Congestion Mitigation and Air Quality/Alternative Fuels/Rebuild Buffalo-Niagara (SFG-223)
- East Side Transfer Station (SFG-955)
- Community Development Block Grant (Fund 290 Project 835)
- Conditionally Exempt Small Quantity Generator (Project 669)
- Household Hazardous Waste Disposal (2002) - (Project 670)

and be it further

RESOLVED, that these Agreements for Personal Services will be funded through the following accounts:

- Erie County Environmental Management Council - (DEP Account 830-216)
- Erie County Household Hazardous Waste - (DEP Account 830-270)
- Indoor Air Quality - (DEP Account 830-736)
- Internships - (DEP Account 830-1214)

and be it further

RESOLVED, that certified copies of this resolution be sent to the Director of Budget, Management and Finance; the Commissioner of Personnel; Laurence K. Rubin, Commissioner of Environment and Planning; Michael Raab, Deputy Commissioner of Environment and Planning; the County Comptroller; and Gregory J. Dudek, Assistant County Attorney.

(4-0) Legislator Dusza absent.

13. Item Page -2002 (Comm. 6E-19)

COUNTY EXECUTIVE

WHEREAS, the rate of usage of overtime in Erie County Sewer District Nos. 1, 4 & 5 has exceeded the anticipated amount due to wet weather conditions and a New York State Department of Environmental Conservation requirement to strictly limit sewage flows into the Buffalo Sewer Authority; and

WHEREAS, Sewer District personnel charged with maintaining the required limit do so by operating pumps and valves, many times after normal working hours; and

WHEREAS, approximately thirty percent of the Sewer District Nos. 1, 4 & 5 Overtime Budget for the current year has been used in the first eight percent of the year and it is necessary to transfer \$100,000.00 to the Overtime Account to be available as needed during the remainder of the current year.

NOW, THEREFORE, BE IT

RESOLVED, that the total amount (\$100,000) transferred from Fund Balance be allocated to Sewer Districts 1, 4 & 5 as follows:

- a. The amount of \$39,000 from Operating Fund Balance, Fund 220, Project 851, Department 810, Account 299, to Use of Fund Balance, Fund 220, Project 851, Department 811, 698 0105 to Fund 220, Project 851, Department 810, Account 801, Overtime;
- b. The amount of \$53,000 from Operating Fund Balance, Fund 220, Project 851, Department 810, Account 299, to Use of Fund Balance, Fund 220, Project 851, Department 812, 698 0105 to Fund 220, Project 851, Department 810, Account 801, Overtime;
- c. The amount of \$8,000 from Operating Fund Balance, Fund 220, Project 851, Department 810, Account 299, to Use of Fund Balance, Fund 220, Project 851, Department 813, 698 0105 to Fund 220, Project 851, Department 810, Account 801, Overtime; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning, the Director of Budget and Management and the Erie County Comptroller's Office.
(4-0) Legislator Dusza absent.

JOHN W. GREENAN
CHAIRMAN